

**Office of Selectmen**  
**6 Holland Street • Post Office Box 139**  
**Moultonborough, N.H. 03254**  
**(603) 476-2347**

**STATEMENT OF POLICY**  
**No. 14**

**CEMETERY LOTS & CEMETERY RULES**

RSA 289:2 states, in part.: “Every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries, which shall be subject to such regulations as the municipality may establish.”

RSA 289:6I requires the election of a board of cemetery trustees. RSA 289:6II-allows that the residents of a town may at Town Meeting delegate the duties and responsibilities of cemetery trustees to their board of selectmen.

At the time this Policy became effective, the Town of Moultonborough maintains fifty-four (54) cemeteries. At this time (June 14, 2001), the Town has lots for sale in three (3) cemeteries (Holland Hill, Middleneck and Shannon). The Board of Selectmen developed the following policy for the sale of cemetery lots.

1. Burial lots available for sale by the Town of Moultonborough shall normally constitute a “double lot” that measures eight feet by ten feet. This size accommodates two traditional burials or up to eight cremation burials. Burial within a double lot is at the discretion of the owners, their heirs and assigns.
2. Residents of the Town of Moultonborough may purchase double burial lots, subject to availability, in any Town-owned cemetery. The purchase price of a burial lot (as described) is four hundred dollars (\$400.00).
3. Occasionally, a single lot may exist in one of the Town’s cemeteries. A single lot measures four feet by ten feet. This size accommodates one traditional burial or up to four cremation burials. Burial within a single lot is at the discretion of the owners, their heirs and assigns.
4. Residents of the Town of Moultonborough may purchase a single burial lot, subject to availability, in any Town-owned cemetery. The purchase price of a single burial lot (as described) is two hundred fifty dollars (\$250.00).
5. Other Moultonborough property owners (non-residents) may purchase a burial lot in the Town’s cemeteries, subject to their stated intent to become residents of Moultonborough at some point in the future. These property owners will pay a purchase price equal to the cost of a similar municipally-owned burial lot. The

purchase price will be equal to the pricing policy(s) of the municipality where they claim residence.

6. The Town will transfer ownership of burial lots through a deed recorded by the purchaser in the Carroll County Registry of Deeds. Such deed shall include, amongst other appropriate clauses a provision that the use of the lot is subject to the rules and regulations for the use thereof as shall be established from time to time by the Town of Moultonborough by policy, ordinance or administrative order. The Town shall take the administrative action necessary to cause the recording of such deed, charging such fee as it shall from time to time establish, and cause the original deed to be returned to the owner of the lot.
7. The Town of Moultonborough charges an additional fee to open and close grave sites. The fee to open a grave site for a traditional burial is three hundred dollars (\$300.00) weekdays, and five hundred dollars (\$500.00) weekends & holidays; for a cremation burial the fee is one hundred and fifty dollars (\$150.00) weekdays, and two hundred dollars (\$200.00) weekends and holidays. Only the Highway Agent or his designated representatives may open or close a grave site in the Town's cemeteries.
8. All burial lots are to be used in accordance with the rules and regulations for the use thereof sold by the Town with the understanding the purchaser will abide by the Town policy, ordinance or administrative order on cemeteries. Burial lots are available as follows:
  - a. A one casket lot.
  - b. A two casket lot or multiples thereof.
  - c. A casket space may be converted into 4 cremation spaces.
  - d. Head stones are limited as follows:
    - i. One per two-casket lot which shall not exceed a measurement of 48" wide x 40" tall x 14" deep.
    - ii. Two per two-casket lot, on those lots which had headstones that had been erected prior to May 5, 2011, provided that the second stone shall not exceed the size specified in (i.) or the size of the preexisting stone, whichever shall be less, and further provided that no stone shall be closer to the lot line than four inches (4") and there shall be a minimum of twelve inches (12") between the new and pre-existing stone.
  - e. A fee equal to the current per person purchase price shall be paid for each and every cremation over and above the remains provided for in the original purchase agreement.
9. The Town cemetery shall be open to visitors between the hours of 7 a.m. to 9 p.m. from April 15<sup>th</sup> to November 15<sup>th</sup>. The Cemetery Sexton is authorized to open the cemetery during the closed period at such times and for such purposes as they may determine. Furthermore, the Cemetery Sexton is authorized to close the cemetery at any time they believe such closing is necessary or desirable.

10. Motor vehicles, duly registered, may be operated over the roadways of cemeteries by visitors or business invitees, duly licensed to operate such vehicles, provided such vehicles are operated in a safe and careful manner.
11. The use of, or the possession of firearms within the cemetery is prohibited. The Sexton, however, is authorized to give special permission to named individuals to possess or use firearms in a cemetery relative to a military funeral or patriotic exercise.
12. A child or children within the cemetery grounds must be accompanied by an adult responsible for the behavior of such child or children.
13. Any animal brought into a cemetery must be leashed or otherwise restrained.
14. No floral tributes, shrubbery, trees, flags, or ornamentation (i.e., statutes, vigil lights, balloons, toys, and the like) shall be placed upon or affixed to gravestones or sites except as otherwise provided below.
  - a. Fresh cut glowers, artificial flowers, and live plants may be placed on the headstone or immediately adjacent thereto, not more than two (2) in non-breakable containers (i.e. not glass or ceramics), between April 15<sup>th</sup> and November 15<sup>th</sup>, provided such may be readily moved by maintenance personnel; and
  - b. Flags will be placed by the Town or authorized veteran's organizations, in holders subject to the approval of the Sexton for Memorial, Veterans, and other days he shall deem as appropriate to honor their service.

Unauthorized items will be immediately removed and disposed of by cemetery personnel. Maintenance personnel will remove and dispose of all floral tributes and containers when the flowers or plants become withered, faded, or otherwise unsightly. The Town will not be responsible for damaged, lost, stolen or discarded containers or floral tributes.

The Sexton or representative shall have the right to enter upon any lot and remove from them grass, branches, undesirable flowers or plants, and any improper or offensive objects. The Sexton shall be authorized to remove in addition to the items above any tree, shrub or plant, which is not in conformance of this section and is creating maintenance problems by undermining gravestones, or other such issues.

15. The Town, its Sexton or agents shall not be held responsible for damage to any lot, marker, monument, post or curbing, nor the planting on any lot; neither shall they be responsible for any urns, containers, or other articles placed upon a lot in the cemetery. The Town, through its Sexton and agents will use reasonable care to avoid damage to any lot or appurtenances. Note: The laws of the State of New Hampshire (RSA Chap. 572) provide penalties for wrongfully destroying, injuring, defacing, or removing any tomb, monument, stone, or other structure, including trees, shrubs or plants; penalties are also provided if such acts include a fence, railing or curbing; other penalties are provided for the wrongful removal of decorations from a grave as well as for any act tending to desecrate a grave. No person shall make gravestone rubbings in a cemetery without first obtaining written permission of the owner of record.
16. Erection and/or maintenance of fencing or other enclosures around a lot, or any part thereof are prohibited. Corner posts are permitted but must be kept flush with the ground without raised letters. All lots shall be covered with suitable grass.
17. All roads within the cemetery are under the direct control and supervision of the Sexton or his designee. Trucks are permitted within the cemetery only by special permission of the Sexton or his designee. All walkways must be kept clear at all times, and free and clear of objects or plant urns.
18. All workmen performing any work, i.e. monument/corner marker placements within a cemetery shall be subject to the direction of the Sexton or his designee, who will make the lot of record corner pins.
19. Headstones may be upright but not to exceed one per two-casket lot in the size of 48”L x 40”H x 14”W. Flat surface markers are allowed, one per burial and must not exceed 18” x 30”, and must be flush with the surface. Benches may be used instead of a headstone, and its measurement must be within the above stated for headstones. Flags are not permitted unless held within a suitable holder which can be obtained through the Sexton, or through the Veterans Affairs website: [www.cem.va.gov/cem/hm/hmtype.asp](http://www.cem.va.gov/cem/hm/hmtype.asp) Annually the Sexton will replace the American flags of Veterans.
20. Cemetery lots may be purchased from the Town or an individual designated by them in accordance with a price schedule adopted by the Board of Selectmen/ Trustees. All lots and graves will be sold only to Moultonborough legal residents, taxpayers, or to former residents. Borderline cases will be left up to the discretion of the Board of Selectmen.
21. Lot owners may sell their interest in a lot or lots back to the Town of Moultonborough only. The lot owner must write a letter to the Board of Selectmen asking them to purchase the lot back from them. The Town will purchase the lot or lots at the price of the original sale. The Town will record the

change of ownership back to the Town in the cemetery records. The cemetery records shall be the official record of ownership of cemetery lots. Existing lot sizes shall not be affected by the transfer of ownership. The lot may then be sold by the Town at the current rate of lots.

22. Perpetual care of lots includes the mowing of grass, removing old flowers, fallen leaves, tree branches or other debris, and care of cemetery roads and fences.
23. Regular care does not include special care of monuments, watering, or fertilizing the grass, or the planting of plants and shrubbery.
24. All lots re-seeded or re-made will be at such grade level as the Sexton or his designee may determine. The grade will be level with the surrounding area; no grave mounds are permitted.
25. Re-seeding or re-turfing of lots will be done under the direction of the Sexton or his designee. The cost for re-seeding or re-turfing will be the responsibility of the requestor.
26. Graves must be opened under the direction of the Sexton or his designee. The Sexton or their designee shall be notified prior to any burial taking place in a cemetery. It is the policy of the cemetery that equipment used to open a grave may not pass over an existing grave site. This may require that a grave be dug by hand.
27. Bodies or ashes of deceased humans only may be buried in a cemetery. All body burials require a cement/metallic vault or cement liner.
28. The disinterment of a body or cremation shall be subject to RSA 290:5. A copy of the required permit will be filed with the Board of Selectmen/Trustees. During the winter months the undertaker will store the body and make arrangements for the burial in the spring.
29. Any person willfully violating any of these rules will be ejected and excluded from a cemetery. Such further action may be taken as the Sexton or Board of Selectmen/Trustees deem advisable.
30. Any party aggrieved by the decision of the Sexton including, but not limited to a removal of items deemed unauthorized, improper, or offensive, may appeal the matter to the Board of Selectmen (the "Board"), on a form to be designated by the Town Administrator, together with any and all materials that would be submitted at an appeal hearing, within fourteen (14) days of said decision. Such Appeal shall be placed upon the agenda of the next regular business meeting of the Board, for which the Agenda remains open, where the Board will consider the matter and determine whether or not to have a formal hearing. The timetable after that shall be as established by the Board and its decision in any such matter shall be final.

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Date of Adoption:  
June 14, 2001

Robert W. Foster, Chairman  
Russell C. Wakefield  
Ernest E. Davis, Jr.  
BOARD OF SELECTMEN

This Policy received review, revision and update on May 5, 2011

Joel R. Mudgett, Chairman  
Edward J. Charest  
James F. Gray  
Betsey L. Patten  
Russell C. Wakefield  
BOARD OF SELECTMEN

This Policy received review, revision and amended on July 17, 2014 and shall become effective on September 1, 2014.

Jonathan W. Tolman, Chairman  
Joel R. Mudgett  
Paul T. Punturieri  
Christopher P. Shipp  
Russell C. Wakefield  
BOARD OF SELECTMEN